

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

	:	Case No. 15-18003 (ABA)
In re	:	Chapter 7
	:	
	:	
Marco Schiano and	:	
Valerie L. Schiano,	:	The Honorable Andrew B. Altenburg Jr.
	:	
	:	
Debtors.	:	
	:	

**APPLICATION FOR THE ENTRY OF A CONSENT ORDER EXTENDING TIME TO
FILE A MOTION TO DISMISS CASE UNDER 11 U.S.C. § 707(b)(1) AND (3) AND
EXTENDING TIME TO FILE A COMPLAINT OBJECTING TO DISCHARGE UNDER
11 U.S.C. § 727**

The Acting United States Trustee (“U.S. Trustee”), by and through counsel, in furtherance of his duties and responsibilities under 28 U.S.C. §§ 586(a)(3) and (5), hereby respectfully submits this Application for the entry of the *Consent Order Extending Time to File a Motion to Dismiss Case Under 11 U.S.C. §§ 707(b)(1) and (3) and Extending Time to File a Complaint Objecting to Discharge Under 11 U.S.C. § 727*.

In support of this Application, the U.S. Trustee respectfully represents as follows:

1. The docket for this case reflects that on April 30, 2015, Marco Schiano and Valerie L. Schiano (“Debtors”) filed a voluntary petition for relief under chapter 13 of title 11 of the United States Code (“Bankruptcy Code”).

2. On March 14, 2018, Debtors filed a Notice of Voluntary Conversion to Chapter 7. *See* Docket No. 56. Order converting case to Chapter 7 was entered on March 15, 2018.

3. The docket also reflects that a meeting of creditors pursuant to 11 U.S.C. § 341(a) was scheduled to be held on April 20, 2018.

4. The Office of the United States Trustee is conducting an independent review of the Debtors’ case warranting further investigation. This includes a review of the Debtors’ income and actual/reasonable expenses.

5. On August 14, 2018, the Office of the United States Trustee (“OUST”) issued a Subpoena Duces Tecum seeking information that would facilitate the determination of (i) whether the Debtors accurately disclosed their income, expenses, assets, and liabilities, and (ii) whether grounds exist to file a motion to dismiss under 11 U.S.C. §§ 707(1) and (3) or a complaint objecting to discharge under 11 U.S.C. § 727.

6. The Debtors are cooperating and the investigation is ongoing.

7. The U.S. Trustee seeks an extension of time to file a motion to dismiss or object to discharge. Debtors, through counsel, agreed to the extension.

8. Unless the consent order is entered, the Debtors will automatically be issued a discharge upon expiration of the current October 18, 2018, deadline, before the U.S. Trustee completes its investigation. As a result, the Acting United States Trustee respectfully requests that the Court enter the Consent Order and extend the deadline for filing a motion to dismiss under 11

U.S.C. §§ 707(b)(1) and (3) or a complaint objecting to discharge under 11 U.S.C. § 727, to December 4, 2018, as agreed to by the Debtors.

9. The Acting United States Trustee reserves his rights to seek any additional extensions of time for good cause shown.

Respectfully submitted,
ANDREW R. VARA
ACTING UNITED STATES TRUSTEE
REGION 3

By: /s/ Lauren Bielskie
Lauren Bielskie
Trial Attorney

DATED: October 18, 2018